

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 3413 – SB 3736

April 4, 2012

SUMMARY OF AMENDMENT (015619): Deletes all language after the enacting clause. Requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, the Board of Dentistry, the Board of Podiatry, and the Board of Optometry to promulgate rules, on or before January 1, 2013, requiring a one-time training concerning the use of certain opioids in treatment of pain for any physician, advanced practice nurse with a certificate of fitness, dentist, podiatrist, optometrist, and physician assistant who prescribes, supervises the prescribing, or dispenses such opioids. Prohibits such individuals from prescribing any opioids covered by this section unless they have successfully completed the training within one year of rule promulgation. Authorizes the boards to excuse a licensee from compliance with this section for a reasonable time upon finding that appropriate and affordable training is not reasonably available.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$4,300/One-Time/Board of Medical Examiners and
Board of Osteopathic Examination
\$55,300/Recurring/Board of Medical Examiners and
Board of Osteopathic Examination

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$31,900/FY12-13/Boards of Medical Examiners,
Osteopathic Examination, Nursing,
Dentistry, Podiatry, Optometry, and
Physician Assistants
\$27,600/FY13-14/Boards of Medical Examiners,
Osteopathic Examination, Nursing, Dentistry,
Podiatry, Optometry, and Physician Assistants

Assumptions applied to amendment:

- The required rulemaking can be accomplished during regularly scheduled board meetings and can be accommodated within existing budgetary resources.

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- Each licensee's medical license would be restricted until a licensee provides proof of completion of the required training.
- The Department will require one additional administrative position to generate the notice to all licensees affected by the bill, handle hundreds of phone calls, place all licensees on a restricted status until receipt of the required proof of completion of the required training, review the certificates of completion upon receipt, return the licensees to unrestricted status if appropriate, and provide notice of that action to the licensee.
- The recurring increase in state expenditures from available board funds associated with this position will be \$55,281 (\$30,773 salary + \$10,508 benefits and insurance + \$7,900 administrative support services + \$4,100 office lease + \$1,400 communications + \$600 supplies).
- The increase in one-time state expenditures from available board funds will be \$4,300 (\$2,700 office set-up + \$1,600 computer).
- Since the required training is one-time and must be completed within one year of the effective date of the board's rules (January 1, 2013), the additional position will be temporary and will not be required after January 1, 2014. Any additional workload resulting from this bill after January 1, 2014 can be accommodated within existing budgetary resources.
- The total increase in state expenditures in FY12-13 will be \$31,940 [(\$55,281/2) + \$4,300]. The total increase in state expenditures in FY13-14 will be \$27,640 (\$55,281/2).
- Funding for the additional expenditures will be shared between the affected boards. The affected boards will not increase their fees in order to comply with the self-sufficiency requirement.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2011, the Board of Medical Examiners had a cumulative balance of \$1,465,207.30, the Board of Osteopathic Examination had a cumulative balance of \$227,559.19, the Board of Nursing had a cumulative balance of \$2,001,573.33, the Board of Physician Assistants had a cumulative balance of \$194,656.13, the Board of Dentistry had a cumulative balance of \$1,950,570.92, the Board of Podiatry had a cumulative balance of \$101,862.67, and the Board of Optometry had a cumulative balance of \$354,562.37.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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